

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,

Petitioners,

THE COMMONWEALTH OF VIRGINIA,

Intervenor-Petitioner,

V.

Civil Action No. 1:17-cv-116

DONALD TRUMP, President of the United States, et al.,

Respondents.

DECLARATION OF TAREQ AQEL MOHAMED AZIZ

Declaration of Tareq Aqel Mohamed Aziz

I, Tareq Aqel Mohamed Aziz, do hereby declare and depose as follows:

1. I am over 18 years of age and have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

2. I am a citizen and national of Yemen. My childhood in Yemen before the civil war was comfortable, thanks in large part to the support afforded by my father Aqel Aziz who was living in the United States. I was learning English by watching American TV shows, listening to American music, and taking English lessons with my brother Ammar Aziz at an American non-profit educational organization. To further my education, I planned on attending the British University in Yemen.

3. However, all this came to an end when the civil war began. Every night the bombs would fall, and many times they were so close that my brother and I could not sleep. My neighbors began to starve around me, electricity became scarce, and everyday necessities became prohibitively expensive. One day after an unusually big explosion, I saw something that I never thought I would see. I was at the main square in Sana'a after the bomb was dropped. It was like a scene from a movie with people crying, people without limbs, and disfigured corpses beyond recognition.

4. Life in Yemen came to a standstill—people were afraid to go outside. Many foreign organizations closed including the British University where I planned on attending college and the non-profit where I was taking English lessons. My life in Yemen lacked opportunity and security in the most extreme sense.

5. After my father obtained his U.S. citizenship in April 2015, we began the visa application process for my younger brother Ammar and I to be able to join him in America. He filed paperwork with the help of an immigration attorney in Michigan.

6. Due to the civil war, there was no longer a functioning U.S. Embassy in Sana'a. So my father requested that my brother and I be scheduled an interview with the U.S. Embassy in Algeria. But Algeria would not issue a visa to me and my brother. Accordingly, I had no choice but to accept an interview in Djibouti.

7. In October 2016, we were told that we could have an interview with the U.S. Embassy in Djibouti. However, there was no longer a functioning airport in Sana'a. My brother and I had to travel through areas under control of different warring factions to get to Aden where there was still a functioning airport. After waiting for space on a flight, we were finally able to get to Djibouti via Jordan and Qatar. This was an extremely expensive flight.

8. Due to our protracted journey, we missed our first scheduled interview with the U.S. Embassy in Djibouti, which was set for November 27, 2016. So we had to wait about four weeks for another interview, which was finally held on January 4, 2017. Our immigrant visas (category IR2) were approved that same day. My immigrant visa came quickly, but my brother's visa took longer to arrive.

9. Finally, on or about January 26, 2017, my brother received his immigrant visa and we prepared to join our father in Michigan.

10. My brother and I were ecstatic that we would be joining our father in Michigan, and we boarded the first available flight departing Djibouti on January 27. We flew Ethiopian Airlines to Addis Ababa, and then got on our flight to Washington-Dulles International Airport.

Our plane took off at the equivalent of 2:50pm Washington, D.C. time on Friday, January 27.

The plane stopped in Dublin, Ireland, but we did not have to get off of the plane.

11. While on the flight, we had no idea – nor any means of knowing – that about two hours after our flight took off, President Donald Trump had signed an Executive Order barring our entry into the United States; nor that a State Department official had signed a separate order purporting to provisionally revoke our valid immigrant visas.

12. At about 8:00am on Saturday, January 28, we landed at Dulles Airport excited and thinking that we were still on our way to join our father. However, as we got off the plane, a man was saying, “all Yemenis come this way.” A uniformed officer fingerprinted us and then took us back to a special office where he took our immigrant visa packets and our passports. They then called my brother Ammar to come to another office. My brother asked for a translator, since his English is not very good, but they told me that I had to come and translate for my brother.

13. We were then told that our visas had been cancelled and we were going back to our country. We asked if we could call our father and he told us, “give us his name and phone number and we will call him.” But this was a lie, no-one ever called my father.

14. Then they told me to tell my brother to sign a form. I asked to call our lawyer (the lawyer in Michigan who helped prepare our immigration paperwork), and the officer said, “You can’t, it’s a presidential order.” He then told me, “You sign this paper, you will go back to your country, your government will talk to our government, and then maybe you will be able to come back later. If you don’t sign this form, we force you to go back, and you will not be able to come back for five years.” We tried to read the form but we couldn’t understand all the words in it, so we asked the officer to explain it. The other officer responded, “Just sign it, it’s good for

you, it's the good option you have right now." So we signed the form, without having the opportunity to read it carefully or understand what it meant. We were then fingerprinted again, and the officers took pictures of us.

15. I could see that my visa, and my brother's visa, had been stamped multiple times with a stamp reading "CANCELLED-WAS, APPLICATION WITHDRAWN" in giant letters over top of the visas. But the officers did not give us back our passports. Instead, they gave our passports to airline personnel from Ethiopian Airlines.

16. The officer told us that once the situation was resolved between Yemen and the United States, we could reapply for visas. I understood this to mean that we would have to start the entire process all over again.

17. After this had been done, we were escorted by police in full view of every other passenger and put on a plane to Ethiopia – the same airplane that we had just come off.

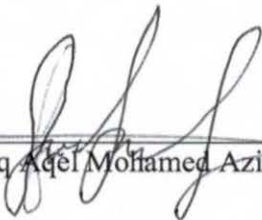
18. I saw that about 8 other people from the same flight were also put back on the same airplane with us.

19. After landing in Ethiopia, my brother and I called our father for the first time in 36 hours. He told us that he had been extremely worried for us, because no-one had called him to tell him what had happened to us. We then spent three more nights in the airport in Addis Ababa, because Ethiopian Airlines personnel would not give us our passports back – they were holding them hostage to try to get us to pay for the return flight.

20. At some point during this time, an official from the U.S. Embassy in Addis Ababa called me on the phone (by means of Ethiopian Airlines) and asked me for various personally identifying information. The next day he called back and told me that I had to go back to Djibouti and apply for another visa, and I should listen to the people from Ethiopian Airlines

who were trying to get me to board a flight to Djibouti. I asked if I could wait one more day before leaving Addis Ababa, because my lawyer had told me that he was working on a settlement with the U.S. government. But the U.S. Embassy official said, no, you have to go to Djibouti. Also, an Ethiopian Airlines official told us we had to go to Djibouti or we would be arrested. So we complied. We only got our passports back when we arrived in Djibouti.

I declare under penalty of perjury of the laws of the United States that the foregoing is true.


Tareq Adel Mohamed Aziz

Date: 2/7/17

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the counsel of record for Petitioners and Respondents.

By: /s/
Stuart A. Raphael